

In the instant motion, petitioner seeks to alter or amend the previous Order (#25) finding that his earlier Motion to Vacate Judgment Pursuant to Rule 60(b) and to alter or amend the underlying Order (#14) and Judgment (#15) disposing of his Petition (#8). For cause, petitioner primarily contends that those earlier decisions were faulty because the court misunderstood his factual contentions. Review of the instant motion alongside the Court's last Order (#25) and the Order (#14) dismissing his first petition lends absolutely no support to the assertions made in petitioner's latest motion. What petitioner does not comprehend is that no matter how valid he perceives his claim to be, this Court lacks the authority to consider a second or successive petition

under Section 2255 unless petitioner first applies and then receives permission from the Court of Appeals for the Fourth Circuit as required under 28 U.S.C. § 2244(b)(3)(A).

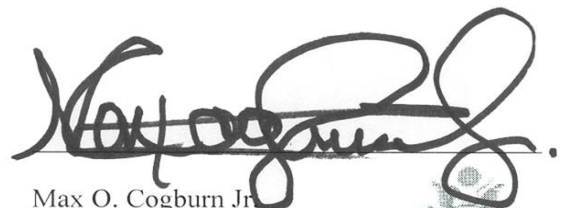
### **ORDER**

**IT IS, THEREFORE, ORDERED** that petitioner's Motion to Alter or Amend Judgment and Motion to Make Additional Findings (#26) is **DENIED**.

### **DENIAL OF CERTIFICATE OF APPEALABILITY**

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

Signed: April 28, 2017



Max O. Cogburn Jr.  
United States District Judge